

PC379.09:KAG:148955/am

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Lawrence M. Boyd et al.

Filed July 5, 2001

Serial No.: 09/869,755

TRUNCATED OPEN INTERVERTEBRAL  
SPACERS

) Before the Examiner

) Unknown

) Group Art Unit

) Unknown

) November 15, 2001

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Washington, D.C. 20231 on

November 15, 2001

(Date of Deposit)

Kenneth A. Gandy

Name of Registered Representative



Signature

November 15, 2001

Date of Signature

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN  
THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

PCT LEGAL STAFF

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 In  
The United States Designated/Elected Office (DO/EO/US) of the National Stage of  
PCT/US00/00590, U.S. Application Number 09/869,755, filed July 5, 2001, please find  
the enclosed executed Declaration and Power of Attorney for Patent Application, copy of  
the Notification of Missing Requirements, and a check in the amount of \$240.00,  
\$130.00 of which is enclosed for the large entity late filing fee or oath or declaration, the  
surcharge under 37 CFR §1.16(e). The balance is for the \$110.00 fee for the  
accompanying Petition for an Extension of Time. Any additional necessary fees may be  
charged to or overpayment credited to Deposit Account No. 23-3030, but not to include  
payment of issue fees.

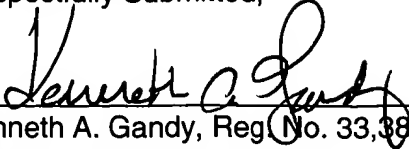
01/14/2002 UEDUVIJE 00000139 09869755

01 FC:154

130.00 DP

Respectfully Submitted,

By:

  
Kenneth A. Gandy, Reg. No. 33,386  
Woodard, Emhardt, Naughton,  
Moriarty & McNett  
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111 Monument Circle, Suite 3700  
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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

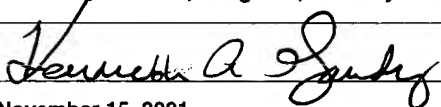
Application Number	09/869,755
Filing Date	July 5, 2001
First Named Inventor	Boyd, Lawrence M. et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	4002-2729

Total Number of Pages in this Submission

## ENCLOSURES (check all that apply)

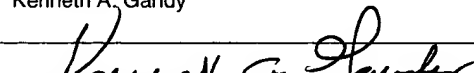
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input checked="" type="checkbox"/> Response to Missing Requirements under 35 U.S.C. 371 <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Assignment Papers <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure (please identify below) Postcard
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	Kenneth A. Gandy Woodard, Emhardt, Naughton, Moriarty & McNett
Signature	
Date	November 15, 2001

## Certificate of Mailing

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Typed or printed name	Kenneth A. Gandy
Signature	
Date	November 15, 2001

# FEE TRANSMITTAL FOR FY 2001

Patent fees are subject to annual revision.

## Complete if Known

Application Number **09/869,755**  
Filing Date **July 5, 2001**  
First Named Inventor **Boyd, Lawrence M. et al.**  
Group Art Unit  
Examiner Name  
Attorney Docket Number **4002-2729**

Total Amount of Payment **(\$280.00)**

### METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit  
Account  
Number

**23-3030**

Deposit  
Account Name

**Woodard, Emhardt, Naughton, Moriarty & McNett**



Charge any Additional Fee Required  
Under 37 CFR 1.16 and 1.17



Applicant claims small entity status.  
See 37 CFR 1.27.

2. ☒ Payment Enclosed:



Check ☐ Credit Card ☐ Money Order ☐ Other

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility Filing Fee	
106	330	206	165	Design Filing Fee	
107	510	207	255	Plant Filing Fee	
108	740	208	370	Reissue Filing Fee	
114	160	214	80	Provisional Filing Fee	
SUBTOTAL (1) (\$)					

#### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee From Below	Fee Paid
	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	130.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	110.00
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	40.00
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other Fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$280.00)

### SUBMITTED BY

Name (Print/Type)

**Kenneth A. Gandy**

Registration No.

**33,386**

(Attorney/Agent)

Telephone

**(317) 634-3456**

Signature

*Kenneth A. Gandy*

Date

**November 15, 2001**

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